

DEPARTMENT OF DEFENSE TELEWORK POLICY

References

- A. Section 359 of Public Law No. 106-346 (Appendix 1)
- B. DepSecDef Memorandum dated March 3, 1995, "Expanding Flexible Work Arrangements in the Department of Defense" (Appendix 2)
- C. Presidential Executive Memorandum dated July 26, 2000, "Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternative Work Sites, Including the Home" (Appendix 3)
- D. USD(P&R) Memorandum dated February 26, 1999, "Special Work Arrangements As Accommodations for Individuals with Disabilities" (Appendix 4)

A. PURPOSE

This Policy implements the requirements of Section 359 of Public Law No. 106-346 (reference A), which requires each Executive Agency to establish a policy under which eligible employees of the agency may participate in teleworking to the maximum extent possible without diminished employee performance. In Fiscal Year 2001, Section 359 of P.L. No. 106-346 requires that 25 percent of the eligible Federal workforce must be offered the opportunity to telework. An additional 25 percent of the eligible Federal workforce must be offered the opportunity to telework each successive year, thus permitting every eligible employee the opportunity to telework by the end of Fiscal Year 2004.

Any implementing telework regulations or other guidance developed by Department of Defense (DoD) Components must comply with this policy, as well as the law from which it is derived.

In implementing P.L. No. 106-346, this Policy is designed to actively promote telework as a legitimate flexibility for managers and their employees throughout DoD, and to:

- a) promote DoD as an employer of choice;
- b) improve the recruitment and retention of high-quality employees through enhancements to employees' quality of life;
- c) enhance the Department's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability;
- d) reduce traffic congestion and decrease energy consumption and pollution emissions;

- e) reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy; and
- f) complement Continuity of Operations Program (COOP) plans.

B. SCOPE

This Policy applies to civilian employees employed in the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the DoD "Components").

The requirements of the law do not apply to employees paid by non-appropriated fund (NAF), but NAF employers may administratively extend coverage of this Policy to their NAF employees.

C. DEFINITIONS

Ad hoc telework means approved telework performed on an occasional, one-time, or irregular basis. (Telework of less than one day per pay period is considered ad hoc.)

Alternative worksite means a place away from the traditional worksite that has been approved for the performance of officially assigned duties. It may be an employee's home, a telecenter, or other approved worksite including a facility established by state, local, or county governments or private sector organizations for use by teleworkers.

Regular and recurring telework means an approved work schedule where eligible employees regularly work at least one day per biweekly pay period at an alternative worksite.

Telecenter means a General Services Administration (GSA) telecenter.

Telework refers to any arrangement in which an employee performs officially assigned duties at an alternative worksite on either a regular and recurring, or on an ad hoc, basis (not including while on official travel).

Telework agreement means a written agreement, completed and signed by an employee and appropriate official(s) in his or her Component, that outlines the terms and conditions of the telework arrangement (example agreement at Appendix A of Telework Guide).

Traditional worksite refers to the location where an employee would work absent a telework arrangement.

Work-at-home telework means an approved arrangement whereby an employee performs his or her official duties in a specified work or office area of his or her home that is suitable for the performance of official Government business.

D. POLICY STATEMENT

It is DoD policy that:

- a) the maximum number of positions be identified as eligible for regular and recurring telework;
- b) the maximum number of employees who exhibit characteristics suitable for telework, and who occupy positions identified as eligible for teleworking, be permitted to telework;
- c) an employee who teleworks on a regular and recurring basis must sign a Telework Agreement prior to commencement of teleworking. At a minimum, all telework agreements must address the location and requirements of the alternative worksite, telework schedule, security of official information, protection of Government-furnished equipment, applicable standards of conduct, liability and injury compensation, and Government access to the alternative worksite;
- d) a telework arrangement is not a right and may be terminated at will by either the employee or the supervisor;
- e) participation in the program will be terminated if an employee's performance does not meet the prescribed standard or if the teleworking arrangement fails to meet organizational needs;
- f) employees may be approved both to telework and to work an alternative work schedule;
- g) supervisors may approve "ad hoc" telework, as defined in this Policy;
- h) telework is appropriate for supervisory-approved web-based distance and continuous learning;
- i) telework may not be used to replace appropriate arrangements for dependent care;
- j) consistent with DoD security and information technology policies:
 - (i) no classified documents (hard copy or electronic) may be taken by teleworkers to alternative worksites;

- (ii) Government-furnished computer equipment, software, and communications, with appropriate security measures, are required for any regular and recurring telework arrangement that involves sensitive unclassified data, including Privacy Act data, or For Official Use Only (FOUO) data;
 - (iii) where employees telework on an ad hoc basis, personal computers can be used to work on limited amounts of sensitive unclassified material, on the basis that the teleworker must delete the files as soon as they are no longer required, and verify in writing that he or she has deleted all files containing Department information from personally owned computer hard drives;
 - (iv) employees who telework may be approved by the Component Designated Approving Authority (DAA) to use their personal computers and equipment for work on non-sensitive, unclassified data consistent with DoD policy. Personal computers may not access DoD systems or networks remotely. The employee is responsible for the installation, repair and maintenance of all personal equipment;
 - (v) providing and/or installing Government-furnished equipment at alternative worksites is a matter for determination by the DAA in each Component. The Component will be responsible for the service and maintenance of Government-owned equipment. DoD remote access software may be installed onto Government-furnished computers to enable access to DoD systems and networks;
 - (vi) Government-furnished equipment must only be used for official duties, and family members and friends of teleworkers are not authorized to use any Government-furnished equipment. The employee must return all Government-furnished equipment and materials to the agency at the conclusion of teleworking arrangements or at the Component's request;
 - (vii) teleworkers are responsible for the security of all official information, protection of any Government-furnished equipment and property, and carrying out the mission of DoD at the alternative work site;
- k) where it is determined by the DAA that Government equipment will be provided to the teleworker, excess property should be the first source of supply before considering the purchase of new equipment;
- l) DoD assumes no responsibility for any operating costs associated with an employee using his or her personal equipment, and residence as an alternative worksite. This includes home maintenance, insurance, and utilities;

- m) an employee who is approved for work-at-home telework must sign a safety checklist prior to commencement of teleworking (example checklist at Appendix B of Telework Guide);
- n) time spent in a teleworking status must be accounted for and reported in the same manner as if the employee reported for duty at the traditional worksite;
- o) an employee who is approved for telework is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan;
- p) overtime provisions that apply to employees working at a traditional worksite apply to employees who telework. Employees may work overtime only when ordered and approved in advance by the supervisor. Instances in which employees perform overtime work without prior supervisory approval may be cause for administrative or disciplinary action;
- q) management reserves the right to require employees to report to the traditional worksite on scheduled telework days, based on operational requirements;
- r) the Government is not liable for damages to the employee's personal or real property while the employee is working at the approved alternative worksite, except to the extent the Government is liable under the Federal Tort Claims Act or the Military and Civilian Employees Claims Act;
- s) the employee is covered by the Federal Employees Compensation Act (FECA) when injured or suffering from work-related illnesses while conducting official Government business;
- t) employees who telework continue to be bound by the Department of Defense standards of conduct while working at the alternative worksite and using Government-furnished equipment; and
- u) telework may be permitted as a reasonable accommodation for an employee with a disability in accordance with Reference D.

E. DETERMINING ELIGIBILITY

Positions eligible for telework are those involving tasks and work activities that are portable, do not depend on the employees being at the traditional worksite, and are conducive to supervisory oversight at the alternative worksite. Positions shall not be excluded as eligible on the basis of occupation, series, grade or supervisory status.

Tasks and functions generally suited for telework include, but are not limited to:

- a) thinking and writing;
- b) policy development;
- c) research;
- d) analysis (e.g. investigating, program analysis, policy analysis, financial analysis);
- e) report writing;
- f) telephone-intensive tasks;
- g) computer-oriented tasks (e.g. programming, data entry, word processing, web page design); or
- h) data processing.

Positions not generally eligible for telework are those positions involving tasks that are not suitable to be performed away from the traditional worksite, including tasks that:

- a) require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via email, telephone, fax or similar electronic means;
- b) require daily access to classified information; or
- c) are part of trainee or entry level positions.

An employee suitable for telework is an employee whose demonstrated personal characteristics are well-suited to telework, as determined by the supervisor, including, as a minimum:

- a) demonstrated dependability and the ability to handle responsibility;
- b) a proven record of high personal motivation;
- c) the ability to prioritize work effectively and utilize good time management skills; and
- d) a proven or expected minimum performance rating of “fully successful”, or equivalent.

Probationary status employees generally would not be eligible for telework because probationary status periods are established to allow supervisors an opportunity to personally observe and evaluate employee performance.

F. RESPONSIBILITIES

Deputy Assistant Secretary of Defense (Civilian Personnel Policy) DASD(CPP)

The DASD(CPP) will serve as the focal point of the DoD Telework Program, and shall:

- a) develop Department policy on teleworking;

- b) oversee and coordinate DoD implementation and administration of the Telework Program;
- c) coordinate information on DoD telework initiatives;
- d) advise on the feasibility of telework arrangements;
- e) approve funding applications for telework by employees at GSA telecenters; and
- f) prepare consolidated reports for DoD on participation rates in the DoD Telework Program, and other data, on an annual and as required basis.

The Director of the Department of Defense Civilian Personnel Management Service shall:

- a) maintain the central fund for DoD teleworker participation at GSA telecenters.

The Heads of the DoD Components shall:

- a) administer a telework program in accordance with public law, this policy and any relevant DoD regulations;
- b) designate a Component Telework Coordinator to administer and oversee implementation of the telework program in the Component; and
- c) develop any Component specific guidelines on telework necessary to implement this policy within their organizations.

The DoD Computer/Electronic Accommodations Program (CAP) shall:

- a) support telework by employees with disabilities in accordance with CAP policies and procedures.

Section 359 of Public Law No. 106-346
Department of Transportation and Related Agencies Appropriations Act, 2001
(October 23, 2000)

“SEC. 359. Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter.”

APPENDIX 3

THE WHITE HOUSE
OFFICE OF THE PRESS SECRETARY

Signed July 26, 2000

MEMORANDUM FROM THE PRESIDENT

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Employing People with Significant Disabilities to Fill Federal Agency Jobs
 that can be Performed at Alternate Work Sites, Including the Home

Cutting-edge telecommunications technology has recently made it possible for customer service "call/contact" centers to transmit voice and data to employees who are located at work sites other than the call/contact centers, employers' headquarters, or other centralized locations. Individuals employed as customer service representatives can work from their homes or any other accessible off-site location just as if they were working in the call/contact centers themselves. Technology also enables other types of work activities, such as the processing of insurance claims and financial transactions, to be carried out from such alternate work stations.

The unemployment rate of individuals with significant disabilities is among the highest of disadvantaged groups in the Nation. These individuals are an important untapped resource of talent and skills, and a key element in our Nation's ability to sustain our historic economic growth. The increasing use of off-site work stations to carry out significant and competitive work activities provides a critical new source of employment opportunities for individuals with significant disabilities.

It is in the interest of the Federal Government to utilize the skills of qualified people with significant disabilities by recruiting them for appropriate off-site, home-based employment opportunities with Federal agencies, including employment as home-based customer service representatives linked to Federal customer service call/contact centers.

To harness the power of new technologies to promote Federal sector employment of qualified people with significant disabilities, as defined in the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended, and to improve Federal customer service representation, I direct executive departments and agencies as follows:

- (a) Each head of an executive department or agency operating customer service call/contact centers shall identify positions that can be relocated to home-based or other off-site facilities, and that can be filled by qualified individuals, including those with significant disabilities.
- (b) Each head of an executive department or agency shall identify the appropriateness of using home-based and other off-site positions to carry out other specific work activities, such as the processing of insurance claims and financial transactions, that could be accomplished by qualified individuals, including those with significant disabilities.
- (c) If the head of a department or agency determines it is feasible and appropriate to use home-based and other off-site locations pursuant to its actions under paragraphs (a) and (b) of this memorandum, such head shall develop a Plan of Action that encourages the recruitment and employment of qualified individuals with significant disabilities.
- (d) The Plan of Action developed pursuant to paragraph (c) of this memorandum shall be submitted to the National Task Force on Employment of Adults with Disabilities (Task Force) (established by Executive Order 13078 of March 13, 1998) within 120 days from the date of this memorandum.
- (e) The Task Force shall review and approve agency Plans of Action and shall be responsible for developing guidance for the implementation of the plans and the provisions of this memorandum.
- (f) In implementing this memorandum, agencies must honor their obligations to notify their collective bargaining representatives and bargain over such procedures to the extent required by law.
- (g) This memorandum shall be implemented consistent with merit system principles under law.
- (h) This memorandum does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.


WILLIAM J. CLINTON



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

3 MAR 1995



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Expanding Flexible Work Arrangements in the Department of Defense

By memorandum dated July 11, 1994, President Clinton directed Heads of Executive Departments and Agencies to establish programs to encourage and support the expansion of flexible, family-friendly work arrangements, including job sharing; career part-time employment; alternative work schedules (flexitime); and telecommuting and satellite work locations (flexiplace). I fully support the President's initiative and ask that you personally support and encourage the use of these flexible work arrangements.

Our military and civilian personnel are our most valuable resource. Much has already been done to improve the quality of life of our military members. However, for the Department to compete effectively as an employer in the 21st century, we must build and maintain necessary support systems for our total force, both military and civilian, as well as their families. Today, employees' needs are varied, reflecting the changing demographics of the work force. Changes in the family and lifestyles make it increasingly difficult for employees to balance work and personal demands. We need to respond to these changes by creating a flexible work environment that supports employees in reaching both personal and work goals while ensuring continued high quality service. In the short term, these programs should help us as we downsize by improving morale and productivity and maintaining diversity. In the long term, after downsizing, they will help ensure our competitiveness in recruiting the best and the brightest.

I have asked the Under Secretary of Defense for Personnel and Readiness to spearhead our efforts to develop and implement programs that will assist employees to balance their working lives with their personal needs and family responsibilities. I want the Department of Defense to set the standard for the entire Executive Branch in this area. I know I can count on your support to achieve this goal.

John M. Deutch



PERSONNEL AND
READINESS

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FEB 26 1999

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES
COMMANDER, ARMY AND AIR FORCE EXCHANGE SERVICE
CHIEF, NATIONAL GUARD BUREAU

SUBJECT: Special Work Arrangements As Accommodations for Individuals with
Disabilities

By memorandum dated July 11, 1994, President Clinton directed Heads of Executive Departments and Agencies to establish programs to encourage and support "family friendly" work arrangements, including alternative work schedules, flexiplace, and telecommuting when suitable. This is to remind you that such arrangements may be particularly beneficial for individuals with disabilities.

Virtual organizations, distributed worksites, and distance learning are now commonplace in this country. Work schedules may be staggered or nonexistent, and "office hours" often are not fixed. These practices are proving to be productive as we prepare ourselves to compete in the high-speed, high-tech economy of the 21st century.

Within DoD, a successful two-year pilot program has convinced us to continue funding the use of General Services Administration telecenters in the Greater Washington, DC, metropolitan area. More information on this effort is available from Mr. Paul Rossbach, who can be reached by e-mail at rossbacp@pr.osd.mil or by telephone at (703) 695-1076 in the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

The Federal government has established ambitious goals for increasing the proportion of its workforce that telecommutes from home or other off-site locations. Purposes include curtailing vehicular congestion, reducing employee stress, and promoting excellence and efficiency by allowing individuals to work in the settings that make them most productive.



This flexibility is often a key ingredient of reasonable accommodation for people with disabilities in accordance with Equal Employment Opportunity Commission regulations at Part 1614 of title 29, Code of Federal Regulations. Qualified employees who request alternative work schedules, flexiplace, or telecommuting to accommodate a disability may, in appropriate circumstances, be entitled to these work arrangements, unless providing them would be "an undue hardship" as defined in the regulations.

Disability-related factors to be accommodated could include limited strength or endurance; medical treatment schedules; unpredictable exacerbations of physical, mental, or emotional problems; and a host of other considerations that may make it difficult or counterproductive for employees with disabilities to travel to a specified worksite on a regular basis. For example, people with disabilities may face extraordinary difficulties because of inaccessible transportation systems, long commutes, or bad weather.

The Secretary of Defense has established a DoD-wide goal to increase employment of people with severe disabilities from 1.2 percent to 2.0 percent of our civilian workforce. Flexible work arrangements can be valuable tools for recruitment and retention of a workforce that is both diverse and highly skilled. Target groups include:

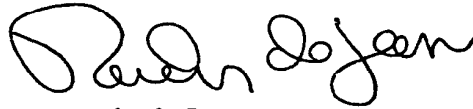
- Recipients of worker's compensation payments;
- Persons who otherwise would face disability retirement;
- Employees with disabilities who could be more productive if they were allowed to work part or all of the week at home or in some other off-site location; and
- Persons with disabilities who have been unable to be employed because their disabilities make it difficult for them to function in a Federal workplace on a regular basis.

The DoD Computer/Electronic Accommodations Program (CAP) supports telecommuters with disabilities by providing items such as computers, fax machines, and telecommunication devices for use at home or in other locations away from the usual worksite. CAP also purchases assistive technology for telecommuters, including special peripherals and software. Additional information is available at the CAP website:

<http://www.tricare.osd.mil/cap.html>

Managers and supervisors can help employees with disabilities reach their full potential by letting each individual participate in decisions about how, when, and where to work, as long as deadlines are met and work products are satisfactory. Controls should be based on the timeliness, quality, and quantity of results. I encourage each of you and each of the managers and supervisors in your organization to be flexible and creative in applying these principles to employment of individuals with disabilities throughout the Department of Defense.

Any questions may be directed to Ms. Judith C. Gilliom in the Office of the Deputy Assistant Secretary of Defense (Equal Opportunity) by e-mail at gilliomj@pr.osd.mil or by telephone at (703) 697-8661 or DSN 227-8661.

A handwritten signature in black ink, appearing to read "Rudy de Leon". The signature is fluid and cursive, with the first name "Rudy" being more prominent and the last name "de Leon" following in a similar style.

Rudy de Leon